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**Law Clerk's Copy**  
**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**JAMES H. WILLIAMS,**

**Plaintiff**

**v.**

**MARTIN L. DRAGOVICH, JAMES J.**

**McGRADY and RICHARD L. SPAIDE,**

**Defendants :**

**No. 1:CV-01-0280**

**(Judge Kane)**

**FILED**  
**HARRISBURG**

**SEP 21 2001**

**MARY E. D'ANDREA, CLERK**

**Per** \_\_\_\_\_  
**DEPUTY CLERK**

**MOTION TO DISMISS**

Pursuant to Rules 12(b)(1) and (b)(6) of the Federal Rules of Civil Procedure, defendants Dragovich, McGrady and Spaide, move the Court to dismiss the complaint against them for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted.

A brief in support of this motion will be submitted within ten (10) days pursuant to Local Rule 7.5 of the United States District Court for the Middle District of Pennsylvania.

**WHEREFORE,** the complaint should be dismissed.

**Respectfully submitted,**

**D. MICHAEL FISHER**  
**Attorney General**

**By:**

*Linda S. Lloyd*  
**LINDA S. LLOYD**

**Deputy Attorney General**  
**I.D. #66720**

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Harrisburg, PA 17120  
(717) 705-7327**

**SUSAN J. FORNEY  
Chief Deputy Attorney  
Chief, Litigation Section  
COUNSEL FOR**

**DEFENDANTS**

**Dated: September 21, 2001**

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**JAMES H. WILLIAMS,**

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**(Judge Kane)**

**CERTIFICATE OF SERVICE**

I, Linda S. Lloyd, Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on September 21, 2001, I served a true and correct copy of the foregoing Motion to Dismiss, by causing it to be deposited in the United States Mail, first-class postage prepaid to the following:

**James H. Williams, AY-8692  
SCI Greene  
175 Progress Drive  
Waynesburg, PA 15370**

**James H. Williams  
Schuylkill County Prison  
230 Sanderson Street  
Pottsville, PA 17901-1758**

  
**LINDA S. LLOYD**  
**Deputy Attorney General**

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**(Judge Kane)**

**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2001, upon consideration of the motion to dismiss filed by defendants Dragovich, McGrady and Spaide, and plaintiff's response thereto, **IT IS HEREBY ORDERED** that the motion is **GRANTED**. The complaint is hereby dismissed, and the Clerk is directed to close the file in this case.

**BY THE COURT:**

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**YVETTE KANE**

**United States District Judge**